

OCT 24 2006

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

LYNN THOMAS, ET AL.

CIVIL ACTION NO. 06-0764

versus

JUDGE HICKS

CITY OF SHREVEPORT, ET AL.

MAGISTRATE JUDGE HORNSBY

# MEMORANDUM ORDER

Plaintiff filed this civil rights action against a number of defendants, including the “Shreveport Municipal Fire and Civil Service Board.” Counsel for the Board filed a motion to dismiss on the grounds that the Board is not an entity capable of being sued. Plaintiff opposed the motion. The Board then raised a new argument in its reply memorandum, that Plaintiff did not make allegations sufficient under Monell and its progeny to state a claim against the Board. When an argument is submitted for the first time in a reply brief, the court should ordinarily give the nonmovant an adequate opportunity to respond. Vais Arms, Inc. v. Vais, 383 F.3d 287, 292 (5th Cir. 2004). Plaintiff is permitted until **November 3, 2006** to file a **supplemental memorandum** in response to the new argument. **Leave of court** is granted in advance for the filing of a supplemental memorandum.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 29 day of October,  
2006.

MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE